

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* ROLAND M. HOCHMUTH, JOHN MARKS  
and ROBERT P. MARTIN

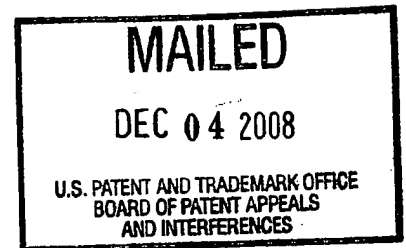
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Application 09/941,254  
Technology Center 2400

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Mailed: December 4, 2008

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Before, KRISTA ZELE, *Deputy Chief Appeals Administrator*.

ZELE, *Deputy Chief Appeals Administrator*.

**ORDER VACATING RETURN**

On November 18, 2008, an Order Returning Undocketed Appeal was mailed stating that the Appeal Brief filed November 6, 2007, Grounds of Rejection and Arguments were not satisfied per the *Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8<sup>th</sup> ed. Rev. 6, Sept. 2007). A further review of the Appeal Brief indicates the Order Returning Undocketed Appeal was mailed in error.

Accordingly, it is

**ORDERED** that the Order Returning Undocketed Appeal mailed November 18, 2008, is hereby vacated.

The application will be assigned an Appeal No. and will be assigned to a merit panel in due course.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/mtv

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